

IN THE SUPREME COURT OF THE STATE OF NEVADA

TROY MORROW,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 58669

**FILED**

**FEB 08 2012**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *T. Malone*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a jury verdict of conspiracy to commit larceny, two counts of burglary, grand larceny, and obtaining money under false pretenses. Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge.

The district court adjudicated appellant Troy Morrow a habitual criminal and sentenced him to concurrent terms of incarceration amounting to 8 to 20 years in prison. Morrow contends that this sentence constitutes cruel and unusual punishment because he stole merchandise worth \$681 from a store without using any weapons, force, or violence; none of his prior convictions involved violence; and some of his prior convictions were drug-related.

We review a district court's sentencing determination for abuse of discretion. Randell v. State, 109 Nev. 5, 8, 846 P.2d 278, 280 (1993). Because Morrow does not argue that the habitual criminal punishment statute is unconstitutional, his sentence is within the parameters of that statute, and we are not convinced that the sentence is so grossly disproportionate to the gravity of the offense and Morrow's long history of recidivism as to shock the conscience, we conclude that the sentence does not violate the constitutional proscriptions against cruel and

unusual punishment. See NRS 207.010(1)(a); Ewing v. California, 538 U.S. 11, 29 (2003) (plurality opinion); Harmelin v. Michigan, 501 U.S. 957, 1000-01 (1991) (plurality opinion); Blume v. State, 112 Nev. 472, 475, 915 P.2d 282, 284 (1996); Glegola v. State, 110 Nev. 344, 348, 871 P.2d 950, 953 (1994); see also Arajakis v. State, 108 Nev. 976, 983, 843 P.2d 800, 805 (1992) (“NRS 207.010 makes no special allowance for non-violent crimes.”).

Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Cherry, J.  
Cherry

Pickering, J.  
Pickering

Hardesty, J.  
Hardesty

cc: Hon. Jennifer P. Togliatti, District Judge  
Cannon & Tannery  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk